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Land Use Policies

Established by Lieutenant Governor in Council
Pursuant to Section 622
of the Municipal Government Act
Order in Council 522/96

November 6, 1996

Alberta
MUNICIPAL AFFAIRS

ALBERTA

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Office of the Minister

MLA, Drayton Valley - Calmar

I am pleased to announce that the Land Use Policies developed pursuant to section 622 of the *Municipal Government Act* received the approval of the Lieutenant Governor in Council on November 6, 1996. I appreciate the contributions that municipalities, provincial departments, and other interested parties have made in helping to develop the policies.

The Land Use Policies will help municipalities to harmonize provincial and municipal policy initiatives at the local land-use planning level. I encourage all elected officials, municipal staff and consultants, board members and others involved in local development to work together to integrate the spirit and intent of the Land Use Policies into municipal planning activities.

Yours sincerely,

Tom Thurber
Minister

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Land Use Policies

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Land Use Policies

1.0 INTRODUCTION

Land use planning is both a municipal and provincial activity. Municipalities are given responsibilities under Part 17 of the Municipal Government Act. A number of provincial departments and agencies are also involved as a result of their particular mandates. The Province's responsibility, with certain exceptions, extends to managing air, water, and renewable and non-renewable natural resources. Provincial legislation, policies, and programs for land use planning and resource management can affect municipal interests. Conversely, municipal decisions and actions affecting land use and development can impact on the success of provincial objectives designed for the benefit of all Albertans.

It is therefore important that municipal and provincial planning efforts utilize consistent approaches and pursue a high level of cooperation and coordination. It is also important that municipal planning efforts complement provincial policies and initiatives, especially as municipalities adjust to the changing planning structure and their additional responsibilities in keeping with the new planning legislation. The *Land Use Policies* are therefore being established pursuant to section 622 of the Municipal Government Act. The *Land Use Policies* supplement the planning provisions of the Municipal Government Act and the Subdivision and Development Regulation. It is expected that all municipalities will implement these policies in the course of carrying out their planning responsibilities.

There are eight sections to the *Land Use Policies.* Section 1 sets out the purpose of the *Land Use Policies* and clarifies the implementation role of municipalities. Sections 2 and 3 contain policies which are operational in nature and which relate to a municipality's general approach to planning and to municipal interaction with residents, applicants, neighbouring municipalities, provincial and federal departments and other jurisdictions. Sections 4 to 8 contain policies which address specific land use planning issues in which the Province and municipalities share a common interest.

1.1 Implementation

Each municipality is expected to incorporate the *Land Use Policies* into its planning documents and planning practices. Section 622(3) of the Municipal Government Act requires that municipal statutory plans, land use bylaws, and planning decisions and actions be consistent with the *Land Use Policies*. Section 680(2)(c) requires a subdivision and development appeal board and the Municipal Government Board[1] to be consistent with the *Land Use Policies* in determining a subdivision appeal. Section 687(3)(a) requires a subdivision and development appeal board to comply with the *Land Use Policies* in determining a development appeal.

The policies in sections 2 and 3 are particularly relevant to the design of planning programs, the formulation of statutory plans and land use bylaws, and the planning decision-making process. The policies in sections 4 to 8 have particular application to the content of statutory plans and land use bylaws, as well as to the nature of planning decisions.

The Municipal Government Act (Part 17) requires many municipalities to prepare a new municipal development plan or to review and revise an existing general municipal plan to bring it into conformance with the new legislation.[2] It also requires that all land use bylaws be reviewed and most be revised.[3] Municipalities may also be embarking on the preparation of other statutory plans such as intermunicipal development plans. As existing planning documents are being reviewed and revised, and as new ones are being prepared, municipalities are required to ensure that their plans and bylaws are consistent with the *Land Use Policies*.

The Municipal Government Act (Part 17) also establishes a relationship between the *Land Use Policies* and planning decisions by municipalities.[4] The Province recognizes that not all policies are relevant to all planning decisions.

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[1] The wording of the Land Use Policies is oriented towards municipalities. Municipal Government Board decisions pursuant to Part 17 of the Municipal Government Act are also required to be consistent with their spirit, intent, and direction.

[2] See sections 632 and 707 of the Municipal Government Act.

[3] See sections 639 and 708 of the Municipal Government Act.

[4] The term is used in the broad sense and includes council, administration, designated officers, commissions, committees, boards, and authorities.

The Province also recognizes that once statutory plans and land use bylaws are consistent with the *Land Use Policies* , sections 5 to 8 of the policies will have largely been implemented. Municipalities are expected to design a decision-making system which ensures that the required attention is given to all sections of the *Land Use Policies*.

1.2 Interpretation

The Province is entrusting to each municipality the responsibility to interpret and apply the *Land Use Policies* and to further elaborate on the policy initiatives in its statutory plans and land use bylaws. The policies are presented in a general manner which allows municipal interpretation and application in a locally meaningful and appropriate fashion. Municipalities and provincial departments and agencies are encouraged to consult with one another where questions on the spirit and intent of these policies arise during implementation.

The *Land Use Policies* focus on matters of public policy, not matters of law. They provide a framework for statutory plans, land use bylaws, and planning decisions. The *Land Use Policies* should be interpreted as a guide to more specific municipal policy and action, and are not intended to be the basis of legal challenges. In applying the *Land Use Policies* municipalities must assess the importance of each policy in relation to the others in light of local and intermunicipal priorities. Municipalities must have regard to the cumulative effect of all of the policies as well as to the specific effect of each policy.

2.0 THE PLANNING PROCESS

Goal

Planning activities are to be carried out in a fair, open, considerate, and equitable manner.

Policies

1. Municipalities are expected to take steps to inform both interested and potentially affected parties of municipal planning activities and to provide appropriate opportunities and sufficient information to allow meaningful participation in the planning process by residents, landowners, community groups, interest groups, municipal service providers, and other stakeholders.

2. Municipalities are expected to ensure that each proposed plan amendment, reclassification, development application, and subdivision application is processed in a thorough, timely, and diligent manner.

3. When considering a planning application, municipalities are expected to have regard to both site specific and immediate implications and to long term and cumulative benefits and impacts.

4. In carrying out their planning responsibilities, municipalities are expected to respect the rights of individual citizens and landowners and to consider the impact of any policy or decision within the context of the overall public interest.

3.0 PLANNING COOPERATION

Goal

To foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments and other jurisdictions in addressing planning issues and in implementing plans and strategies.

Policies

1. Municipalities are encouraged to expand intermunicipal planning efforts to address common planning issues, especially where valued natural features are of interest to more than one municipality and where the possible effect of development transcends municipal boundaries.

2. In particular, adjoining municipalities are encouraged to cooperate in the planning of future land uses in the vicinity of their adjoining municipal boundaries (fringe areas) respecting the interests of both municipalities and in a manner which does not inhibit or preclude appropriate long term use nor unduly interfere with the continuation of existing uses. Adjoining municipalities are encouraged to jointly prepare and adopt intermunicipal development plans for critical fringe areas; these plans may involve lands which are in both of the adjoining municipalities.

3. Municipalities are also encouraged to pursue joint use agreements, regional service commissions and any other joint cooperative arrangements which can contribute to such intermunicipal land use planning.

4. Where two or more municipalities are affected by the operation of an airport, those municipalities are encouraged to prepare, adopt, and implement an intermunicipal development plan to jointly address airport vicinity planning issues.

5. Where two or more municipalities are located on the shores of the same lake, and development is anticipated, the municipalities are encouraged to prepare, adopt, and implement an intermunicipal development plan to jointly address lake planning issues.

6. Municipalities are encouraged to coordinate their planning activities and development approval processes with provincial resource and land management policies, such as integrated resource plans, and with provincial leasing mechanisms, such as the Alberta Tourism Recreational Lease Process.

7. Municipalities are encouraged to work directly with provincial land and resource management agencies in the development of plans and policies on issues of mutual interest. Decisions and approvals affecting land use and development on, near, or with potential to impact provincial resources[5] should be coordinated between these levels of government.

8. Municipalities are encouraged to coordinate their planning activities with those of the local school authorities to ensure that school sites are available when required.

9. Municipalities are encouraged to coordinate their planning activities with those of the regional health authorities to facilitate the development of appropriately located new health care facilities.

10. Municipalities are encouraged to coordinate their planning activities with those of First Nation Reserves, Metis Settlements, Irrigation Districts, and appropriate federal departments and agencies where issues are of mutual interest.

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[5] Provincial resources include water, air, provincially-owned mineral resources, fish and wildlife, beds and shores of provincially-owned water bodies and watercourses (pursuant to section 3 of the Public Lands Act), provincially-owned lands, and timber resources on provincial lands.

4.0 LAND USE PATTERNS

Goal

To foster the establishment of land use patterns which make efficient use of land, infrastructure, public services, and public facilities; which promote resource conservation; which enhance economic development activities; which minimize environmental impact; which protect significant natural environments; and which contribute to the development of healthy, safe, and viable communities.

Policies

1. Municipalities are encouraged to establish, on a municipal and on an intermunicipal basis, land use patterns which provide an appropriate mix of agricultural, residential, commercial, industrial, institutional, public and recreational land uses developed in an orderly, efficient, compatible, safe and economical manner in keeping with the general policies of this section and the more specific policies found in sections 5.0 to 8.0.

2. Municipalities are encouraged to establish land use patterns which embody the principles of sustainable development, thereby contributing to a healthy environment, a healthy economy and a high quality of life.[6]

3. Municipalities are encouraged to establish land use patterns which contribute to the provision of a wide range of economic development opportunities, thereby enhancing local employment possibilities and promoting a healthy and stable economy. In carrying out land use planning, municipalities are encouraged to complement and support provincial economic development initiatives.[7]

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[6] The Alberta Vision of Sustainable Development was endorsed by the Alberta Legislature in June 1992. A summary is found in Appendix 1. Municipalities should refer to the publications:
1. Alberta Round Table on Environment and Economy 1991 (#P5-E1).
2. Report of Alberta Round Table on Environment and Economy 1993 (#P5-E2).
3. Ensuring Prosperity, Implementing Sustainable Development 1995 (#592-E-1).
Publications are available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

[7] Municipalities should refer to the publication Seizing Opportunity: Alberta's New Economic Development Strategy, available from Alberta Economic Development and Tourism, 6th Floor, 10155 - 102 Street, Edmonton, AB T5J 4L6 and to any subsequent economic development policy documents. Municipalities should discuss provincial economic development initiatives with representatives of Alberta Economic Development and Tourism, Alberta Agriculture, Food and Rural Development, Alberta Energy, and Alberta Environmental Protection.

4. Municipalities are encouraged to establish land use patterns which accommodate natural resource extraction or harvesting and processing, manufacturing and other industrial development while, at the same time, minimizing potential conflict with nearby land uses and any negative environmental impact.

5. Municipalities are encouraged to establish land use patterns which provide the opportunity for a variety of residential environments which feature innovative designs and densities, and which make efficient use of existing facilities, infrastructure and public transportation.

6. Municipalities are encouraged to establish land use patterns commensurate with the level of infrastructure and services which can be provided, regardless of whether the infrastructure and services are provided municipally, communally, individually, or by a utility company. Municipalities are encouraged to coordinate the provision of infrastructure and services with neighbouring municipalities.

7. Municipalities, within legislative limits, are encouraged to establish land use patterns which complement their municipal financial management strategies, thereby contributing to the financial health and viability of the municipality.

5.0 THE NATURAL ENVIRONMENT

Goal

To contribute to the maintenance and enhancement of a healthy natural environment.[8]

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection,[9] significant ravines, valleys, stream

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[8] Municipalities should refer to Alberta Environmental Protection's Vision Statement, which promotes shared stewardship of the natural environment and of renewable natural resources. Copies may be obtained from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton AB T5K 2M4. Telephone: (403) 422-2079.

[9] Pursuant to section 3 of the Public Lands Act, the ownership of public lands including permanent and naturally occurring water bodies and water features rests with the Minister of Environmental Protection (AEP). Public Lands of Alberta Agriculture, Food and Rural Development is responsible for the management of these resources in the White Area. In the Green Area, the Land and Forest Service (AEP) is the management authority. Please note that throughout this document Alberta government departments are referred to by the name in common usage rather than the legal name (e.g., Alberta Environmental Protection not Department of Environmental Protection).

corridors, lakeshores, wetlands[10] and any other unique landscape area, and to establish land use patterns in the vicinity of these features, having regard to their value to the municipality and to the Province.

2. If subdivision and development is to be approved in the areas identified in accordance with policy #1 municipalities are encouraged to, within the scope of their jurisdiction, utilize mitigative measures designed to minimize possible negative impacts.[11]

3. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, areas which are prone to flooding, erosion, landslides, subsidence, or wildfire and to establish appropriate land use patterns within and adjacent to these areas.

4. If subdivision and development is to be approved in the areas identified in accordance with policy #3 municipalities are encouraged to, within the scope of their jurisdiction, utilize mitigative measures to minimize the risk to health, to safety, and to loss due to property damage.[12]

5. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, areas of significant fish, wildlife and plant habitat and to establish appropriate land use patterns designed to minimize the loss of valued habitat within and adjacent to these areas.[13]

6. If subdivision and development is to be approved in the areas identified in accordance with policy #5 municipalities are encouraged to, within the scope of their jurisdiction, utilize mitigative measures to minimize the loss of habitat.

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[10] Wetland areas are valued for water storage, groundwater replenishment, flow regulation, water quality control, and wildlife habitat. Municipalities should refer to Wetland Management for Alberta, an Interim Policy, 1993, available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

[11] Municipalities should refer to the Environmental Reference Manual for the Review of Proposed Subdivisions in Alberta, available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

[12] Municipalities should refer to the Environmental Reference Manual for the Review of Proposed Subdivisions in Alberta, available from the Environmental Protection Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079.

[13] Municipalities should refer to the Canadian Biodiversity Strategy: Canada's Response to the Convention on Biological Diversity (1995) available from the Environmental Information Centre, 9920 - 108 Street, Edmonton, AB T5K 2M4. Telephone: (403) 422-2079. The Government of Alberta endorsed the strategy in January 1996.

6.0 RESOURCE CONSERVATION

6.1 Agriculture

Goal

To contribute to the maintenance and diversification of Alberta's agricultural industry.

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Agriculture, Food and Rural Development, areas where agricultural activities, including extensive and intensive agricultural and associated activities, should be a primary land use.

2. Municipalities are encouraged to limit the fragmentation of agricultural lands and their premature conversion to other uses, especially within the agricultural areas identified in accordance with policy #1.

3. Where possible, municipalities are encouraged to direct non-agricultural development to areas where such development will not constrain agricultural activities.

4. Municipalities are encouraged to minimize conflicts between intensive agricultural operations and incompatible land uses through the use of reciprocal setback distances[14] and other mitigative measures.

6.2 Non-renewable Resources

Goal

To contribute to the efficient use of Alberta's non-renewable resources.

Policies

1. Municipalities are encouraged to identify, in consultation with the appropriate provincial land management agency and the Alberta Geological Survey, areas where the extraction of surface materials (e.g., sand and gravel) should be a primary land use.

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[14] Municipalities are encouraged to utilize, in consultation with Alberta Agriculture, Food and Rural Development, the Minimum Distance Separation (MDS) method. The MDS method is applied in conjunction with the intensive livestock definition provided in the Code of Practice for the Safe and Economic Handling of Animal Manures.

2. Municipalities are encouraged to identify, in consultation with Alberta Energy, areas where the extraction of mineral resources should be a primary land use.[15]

3. Municipalities are encouraged to direct subdivision and development activity so as not to constrain or conflict with non-renewable resource development, particularly with respect to the areas identified in accordance with policies #1 and #2.

4. In addressing resource development municipalities are expected to, within the scope of their jurisdiction, utilize mitigative measures to minimize possible negative impacts on surrounding areas and land uses.

6.3 Water Resources

Goal

To contribute to the protection and sustainable utilization of Alberta's water resources, including lakes, rivers, and streams, their beds and shores, wetlands, groundwater, reservoirs, and canals.

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, significant water resources within their boundaries.

2. Municipalities are encouraged to determine appropriate land use patterns in the vicinity of the resources identified in accordance with policy #1, having regard to impacts on an entire watershed as well as local impacts.

3. If subdivision and development is to be approved in the vicinity of the resources identified in accordance with policy #1, municipalities are encouraged to, within the scope of their jurisdiction, incorporate measures which minimize or mitigate any negative impacts on water quality, flow and supply deterioration, soil erosion, and ground water quality and availability. Municipalities are also encouraged to facilitate public access and enjoyment of these water features, and to protect sensitive fisheries habitat and other aquatic resources.

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[15] In the case of public land, municipalities should also consult Alberta Environmental Protection in the Green Areas and Alberta Agriculture, Food and Rural Development in the White Areas. (See also footnote #8).

6.4 Historical Resources

Goal

To contribute to the preservation, rehabilitation and reuse of historical resources, including archeological and palaeontological resources.[16]

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Community Development, significant historical resources within their boundaries.

2. Within the scope of their jurisdiction, municipalities are encouraged to contribute to the preservation and enhancement the historical resources identified in accordance with policy #1 so that those resources may be used and enjoyed by present and future generations.[17]

7.0 TRANSPORTATION

Goal

To contribute to a safe, efficient, and cost effective provincial transportation network.

Policies

1. Municipalities are encouraged to identify, in consultation with Alberta Transportation and Utilities, the location, nature and purpose of key transportation corridors and facilities.[18]

2. Municipalities are encouraged to minimize negative interactions between the transportation corridors and facilities identified in accordance with policy #1 and the surrounding areas and land uses through the establishment of compatible land use patterns.

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[16] Subject to section 28(2) and (3) of the Historical Resources Act, all archeological and palaeontological resources are owned by the Province.

[17] Municipalities may wish to utilize sections 22 and 23 of the Historic Resources Act.

[18] This includes highway corridors, railway lines, airports, and major pipelines and electrical transmission lines.

3. If subdivision and development is to be approved in the vicinity of the areas identified in accordance with policy #1, municipalities are encouraged to employ appropriate setback distances and other mitigative measures relating to noise, air pollution, and safety, to limit access, and to enter into highway vicinity agreements with Alberta Transportation and Utilities.

8.0 RESIDENTIAL DEVELOPMENT

Goal

To contribute to the development of well planned residential communities, a high quality residential environment and to the provision of adequate and affordable housing for all Albertans.

Policies

1. Municipalities are encouraged to identify, in consultation with the local housing industry and local housing associations, the magnitude and scope of the housing need within their communities and to establish land use patterns in response to that need.

2. In establishing land use patterns municipalities are encouraged to accommodate and facilitate a wide range of housing types.

3. In responding to policies #1 and #2, municipalities are encouraged to provide intensification opportunities within developed areas where existing infrastructure and facilities have adequate capacity.

4. In responding to policies #1 and #2, municipalities are encouraged to accommodate barrier free residences for persons with disabilities and residences in which the provision of care and support for the occupants is possible.

5. In responding to policies #1 and #2, municipalities are encouraged to eliminate any barriers which inhibit the use of housing constructed off site and to accommodate manufactured and modular housing in a fashion which is in harmony with existing or proposed neighbourhood design and architectural development.

6. In responding to policy #1 and the other themes of this section, municipalities are encouraged to review, in cooperation with the land development industry, their current standards and practices with regard to neighbourhood design and residential servicing.

APPENDIX 1

Excerpt from Alberta's Vision of Sustainable Development*

Alberta, a member of the global community, is a leader in sustainable development, ensuring a healthy environment, a healthy economy, and a high quality of life in the present and the future.

Our vision encompasses all of the following elements:

The quality of air, water, and land is assured.

Alberta's biological diversity is preserved.

We live within Alberta's natural carrying capacity.

The economy is healthy.

Market forces and regulatory systems work for sustainable development.

Urban and rural communities offer a healthy environment for living.

Albertans are educated and informed about the economy and the environment.

Albertans are responsible global citizens.

Albertans are stewards of the environment and the economy.

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* See Section 4.0 Land Use Patterns, Policy #2

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